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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Samantha DeVilbiss,

10 Plaintiff,

11 v.

12 Commissioner of Social Security
13 Administration,

14 Defendant.

No. CV-23-00387-TUC-AMM

ORDER

15 On July 18, 2024, Magistrate Judge Eric J. Markovich issued a Report and
16 Recommendation recommending that this Court reverse and remand the Commissioner's
17 decision. (Doc. 24.) No objections to the Report and Recommendation were filed.

18 A district judge must "make a de novo determination of those portions" of a
19 magistrate judge's "report or specified proposed findings or recommendations to which
20 objection is made." 28 U.S.C. § 636(b)(1). The advisory committee's notes to Rule 72(b)
21 of the Federal Rules of Civil Procedure state that, "[w]hen no timely objection is filed,
22 the court need only satisfy itself that there is no clear error on the face of the record in
23 order to accept the recommendation" of a magistrate judge. Fed. R. Civ. P. 72(b)
24 advisory committee's note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170
25 F.3d 734, 739 (7th Cir. 1999) ("If no objection or only partial objection is made, the
26 district court judge reviews those unobjected portions for clear error."); *Prior v. Ryan*,
27 CV 10-225-TUC-RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012) (reviewing for
28 clear error unobjected-to portions of Report and Recommendation).

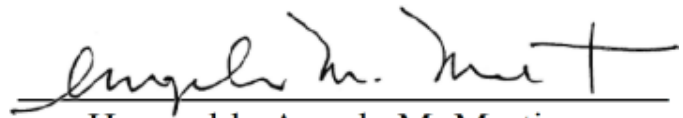
1 The Court has reviewed Magistrate Judge Eric J. Markovich's Report and
2 Recommendation, the parties' briefs, and the record. The Court finds no error in
3 Magistrate Judge Markovich's Report and Recommendation.

4 Accordingly,

5 **IT IS ORDERED** that the Report and Recommendation (Doc. 24) is **accepted**
6 **and adopted in full.**

7 **IT IS FURTHER ORDERED** that the decision of the Commissioner is **reversed**
8 **and remanded** for further proceedings to assess the medical opinion evidence. The Clerk
9 of Court shall enter judgment accordingly and close this case.

10 Dated this 23rd day of August, 2024.

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14 Honorable Angela M. Martinez
15 United States District Judge
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